

BOARD OF PARK COMMISSIONERS—CREATION IN
CERTAIN COUNTIESCHAPTER 7^a

S. B. No. 23

An Act applicable to any county having a population of three hundred fifty thousand (350,000) or more according to the last preceding Federal Census; providing for the appointment of a Board of Park Commissioners; setting forth their duties and powers; providing that the Commissioners Court of any such county may transfer to said Park Board jurisdiction of any park or parks in the county; authorizing the issuance of revenue bonds to acquire, improve, equip and repair any park under the jurisdiction of the Park Board; providing for a vote of the qualified tax paying voters for the approval of the issuance of said bonds; providing the terms and conditions for the issuance and sale of such bonds; granting the Park Board the authority to make rules and regulations concerning the operation of parks; giving the Park Board power to enter into agreements, contracts and leases of parks or facilities thereof; authorizing the Park Board to accept grants and gratuities; providing that this Act shall be cumulative; providing a severability clause and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The provisions of this Act are applicable to any county in this state having a population of three hundred fifty thousand (350,000) or more according to the last preceding Federal Census.

Sec. 2. Any such county, for the purpose of acquiring, improving, equipping, maintaining, financing, and operating any public parks or park, owned or to be acquired by such county, may by order passed by the Commissioners Court create a Board to be designated "Board of Park Commissioners," hereinafter sometimes in this Act referred to as the "Board" and by resolution transfer to said Board jurisdiction and control over any park or parks within the county. Any such Board shall have the powers authorized in and shall perform the duties specified in this Act.

Sec. 3. The Board of Park Commissioners shall be composed of seven (7) members. When the Commissioners Court of any such county adopts a resolution as aforesaid then the County Judge of such county shall appoint, subject to the approval of the Commissioners Court, seven (7) persons as members comprising the Board of Park Commissioners for such county. Three (3) of the Park Commissioners who are first so appointed shall be designated to serve for terms of six (6) years. Two (2) of the Park Commissioners who are first so appointed shall be designated to serve for terms of four (4) years, and the remaining Park Commissioners who are first so appointed shall be designated to serve for terms of two (2) years, respectively, from the date of their appointments, but thereafter Park Commissioners shall be appointed as aforesaid for a term of office of six (6) years; in the event of any vacancy the County Judge shall fill said vacancy by appointment for the unexpired term. No Park Commissioner may be an officer or employee of the county for which the Board of Park Commissioners is created, or an officer or employee of any incorporated city located in said county. A Park Commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any such Park Commissioner, executed by the County Judge and

6. Vernon's Ann.Civ.St. art. 6079e.

attested by the County Clerk and ex officio clerk of the Commissioners Court of such county, shall be filed with the County Clerk and such certificate shall be conclusive evidence of the due and proper appointment of such Park Commissioner. Each Commissioner of said Board of Park Commissioners shall annually receive as compensation a sum to be fixed by the Commissioners Court not to exceed Fifteen Dollars (\$15.00) for each meeting attended for the first fifty-two (52) meetings held during a calendar year, but shall receive no compensation for any additional meetings held during such calendar year. Each Park Commissioner shall be compensated for all necessary expenses, including traveling, incurred in performing their duties as Park Commissioners; when an account shall have been thus approved it will be paid in due time by the Board's check or warrant.

Sec. 4. Each Park Commissioner so appointed shall within fifteen (15) days after his appointment qualify by taking the official oath and by filing a good and sufficient bond with the County Clerk of such county, payable to the order of the County Judge of such county, and approved by the Commissioners Court. Such bond shall be in the sum prescribed theretofore by the Commissioners Court of such county, but not less than Five Thousand Dollars (\$5,000.00). Said bond shall be conditioned upon the faithful performance of the duties of such Park Commissioner, including the proper handling of all moneys that may come into his hands in his capacity as a Park Commissioner; the cost of said bonds shall be paid by the Board.

Sec. 5. The powers under this Act shall be vested in the Board of Park Commissioners as constituted from time to time. Four (4) Park Commissioners shall constitute a quorum of the Board for the purposes of conducting its business and exercising its powers, and for all other purposes. The action of the Board may be taken by a majority vote of the Park Commissioners present. At the time of the appointment of the first Park Commissioners in any such county, the appointing power shall designate one (1) of the Park Commissioners as Chairman of the Board, who shall serve in that capacity until the expiration of the term for which he was appointed (or within such period until he may have vacated his office as a Park Commissioner), thereafter the Board shall elect a Chairman from among its Park Commissioners. The Board shall elect from among its own members a Vice-chairman, a Secretary, and a Treasurer. The office of Secretary and Treasurer may be held by the same person, and in the absence or unavailability of either the Secretary or the Treasurer in the event two (2) persons are holding said positions the other such officer may act for and perform all of the duties of such absent or unavailable officer during such period of absence or unavailability. The Board shall hold regular meetings at times to be fixed by the Board and may hold special meetings at such other times as the business or necessity may require. The money belonging to or under control of the Board shall be deposited and shall be secured substantially in the manner prescribed by law for county funds.

Sec. 6. The depository or depositories for such funds shall be selected by the Board with the approval of the County Commissioners Court. Warrants or checks for the withdrawal of money may be signed by any officer of the Board and one (1) other Park Commissioner or, when duly designated by resolution entered in the minutes of the Board, by two (2) bonded employees of the Board. The Board may employ secretaries, stenographers, bookkeepers, accountants, technical experts, and such other agents and employees, permanent or temporary, as it may require and shall determine their qualifications, duties, and compensation. In addition the Board may also employ and compensate a manager for any park

or parks and may give him full authority in the management and operation of the park or parks subject only to the direction and orders of the Park Board. The County Attorney of any such county shall perform all the necessary legal services for such Board of Park Commissioners. The Board shall adopt a seal which shall be placed on all leases, deeds, and other instruments which are usually executed under seal, and on such other instruments as may be required by the Board.

Sec. 7. No Park Commissioner or employee of the Board shall acquire any pecuniary interest, direct or indirect, in any improvements, concessions, equipment or any business located within the confines of or in any way related to any public park administered by such Board, nor shall he have any interest, direct or indirect, in any contract or proposed contract for construction, materials or services in connection with or related to any park under control of the Board.

Sec. 8. The Board of Park Commissioners shall keep a true and full account of all its meetings and proceedings and preserve its minutes, contracts, accounts, and all other records in a fire proof vault or safe. All such records shall be the property of the Board and shall be subject to inspection by the Commissioners Court at all reasonable times during office hours on business days.

Sec. 9. Such Board shall have full and complete authority to enter into any contract, lease or other agreement connected with or incident to or in any manner affecting the acquisition, financing, construction, equipping, maintaining, or operating all facilities located or to be located on or pertaining to any park or parks under its control. It shall also have authority to disburse and pay out all funds under its control for any lawful purpose for the benefit of any such park or parks.

Sec. 10. Such Board shall have general power and authority to make and enter into all contracts, leases and agreements which said Board shall deem necessary and convenient to carry out any of the purposes and powers granted in this Act. Any such contract, lease or agreement may be entered into, with any person, real or artificial, any corporation, municipal, public or private, any governmental agency or bureau, including the United States Government and the State of Texas, and may make contracts, leases, and agreements, with any such persons, corporation or entities for the acquisition, financing, construction or operation of any facilities in, connected with or incident to any such park. Any and all contracts, leases and agreements herein authorized, to be effective, shall be approved by resolution of the Board and shall be executed by its Chairman or Vice-chairman and attested by its Secretary or Treasurer.

Sec. 11. Such Board shall have the right to sue and be sued in its own name.

Sec. 12. (a) For the purpose of providing funds to acquire, improve, equip and repair such park or parks, or for the acquisition by construction or otherwise of any facilities to be used in or connected with or incident to any such park or parks, or for any one or more of such purposes, the Board shall have the power from time to time and is hereby authorized by resolution (hereinafter sometimes called the "Resolution"), to procure the issuance of revenue bonds, hereinafter sometimes called the "Revenue Bonds," which shall be fully negotiable instruments under the Uniform Negotiable Instruments Law and all other laws of Texas. Included but without limiting, among the permanent improvements and facilities which may be acquired through the issuance of Revenue Bonds are the following: stadia, coliseums, auditoriums, athletic fields, pavilions, and building and grounds for assembly, together with parking facilities and other improvements incident thereto. Provided that no Revenue Bonds shall be issued under authority of such Resolution unless and until said

Resolution shall have first been approved by the Commissioners Court of such county, evidenced by an order to that effect and approved by a vote of the qualified taxpaying voters in the county as hereinafter provided. Such Revenue Bonds shall be issued in the name of such county, signed by the County Judge and attested by the County Clerk and ex officio clerk of the Commissioners Court of said county. They shall have impressed thereon the seal of the Commissioners Court of said county, shall mature serially or otherwise in not to exceed forty (40) years and may be sold by the Board at a price and under terms determined by the Board to be the most advantageous reasonably obtainable, provided that the average interest cost, taking into consideration the maturity date or dates of the Revenue Bonds calculated by the use of standard bond interest tables currently in use by insurance companies and investment houses, shall not exceed six per cent (6%) per annum. The Resolution authorizing the issuance of the bonds, rendered effective by the approving order of the Commissioners Court, shall prescribe the details as to the Revenue Bonds. It may contain provisions for the calling of the Revenue Bonds for redemption prior to their respective maturity dates at such prices and at such times as may be prescribed in such Resolution, but except for such rights of redemption expressly reserved in the Resolution and in the Revenue Bonds they shall not be subject to redemption prior to their scheduled maturity date or dates. The bonds may be made payable at such times and at such places, within or without the State of Texas, as may be prescribed in the Resolution, and they may be made registerable as to principal, or as to both principal and interest.

(b) The Revenue Bonds may be issued in one or more series from time to time as required for carrying out the purposes of this Act.

(c) The bonds may be secured by a pledge of all or a part of the Net Revenues (as defined in Section 12(d) hereof) from the operation of such park or parks, or the facilities thereof and incident thereto, or by a pledge of the net revenues both from said park or parks and said facilities or any one or more thereof. The net revenues of any one or more contracts, operating contracts, leases or agreements theretofore or thereafter made or to be made may be pledged as the sole, or as additional security, for the support of the bonds. Any other revenue other than tax revenue may be specified in the Resolution of the Boards or may be pledged as additional security for the bonds. In any such Resolution the Board may reserve the right under conditions therein specified to issue additional bonds which will be on a parity with, or subordinate to the bonds then being issued.

(d) The term "Net Revenues" as used in this section and in this Act shall mean the gross revenues from the operation of the park or the parks, and the facilities thereof, leases, agreements and contracts, and incidents thereto, or from any one or more thereof, whose revenues shall have been thus pledged, after deduction of the necessary expenses as defined in Section 14 hereof.

(e) From the proceeds of the Revenue Bonds the Board may set aside, as shall be prescribed in the Resolution, an amount for payment of interest estimated to accrue during the construction period and in addition thereto such reserve for the interest and sinking fund as may be deemed proper. From the proceeds of the Revenue Bonds all expenses necessarily incurred in issuing and in selling the Revenue Bonds shall be paid. The remainder of such proceeds shall be used for the purposes specified in the Resolution, and comprehended by the purposes permitted under Section 12(d) of this Act.

(f) Said bonds shall never be construed to be a debt of the county or the State of Texas within the meaning of any constitutional or statutory

provisions, but shall be payable solely and only from the revenues pledged to their payment as herein provided. No principal or interest on such bonds or any refunding bonds shall ever be a debt against the tax revenues of such county, but solely a charge upon the pledged revenues. Such bonds shall never be reckoned in determining the power of the county to incur obligations payable from taxation. Each Revenue Bond shall contain on its face substantially the following provisions:

"The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation."

(g) So long as any of the Revenue Bonds are outstanding no additional bonds of equal dignity shall be issued against the pledged revenues except to the extent and in the manner expressly permitted in the Resolution.

(h) No such bonds shall ever be issued or sold unless authorized by a majority of the resident qualified taxpaying voters of said county who own taxable property in said county who have duly rendered the same for taxation, voting at an election called for such purpose, which election shall be held and notice thereof given as is provided in Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended, except that the proposition to be submitted shall not provide for the levy of any tax whatsoever, and the ballot shall so provide, and be substantially as follows:

"FOR the issuance of \$_____ in bonds for the purpose of _____ which bonds and the interest thereon shall be payable solely from revenues from the operation of such facilities and not from tax revenues."

"AGAINST the issuance of \$_____ in bonds for the purpose of _____ which bonds and the interest thereon shall be payable solely from revenues from the operation of such facilities and not from tax revenues."

(i) Before any such bonds are delivered to the purchaser they shall be submitted to the Attorney General along with the record pertaining thereto for his examination and approval. It shall be the duty of the Attorney General to approve the Revenue Bonds when issued in accordance with this Act. Bonds thus approved by the Attorney General and registered within the office of the Comptroller of Public Accounts shall be incontestable.

Sec. 13. Revenue Bonds which likewise will be fully negotiable, may be issued by Resolution first adopted by the Board and thereafter approved by order of the Commissioners Court of such county for the purpose of refunding bonds issued under this Act. The refunding bonds may be secured in the manner provided in this Act for securing original Revenue Bonds. No election shall be required for the issuance of any refunding bonds. Such refunding bonds may be sold and the proceeds used to retire the original bonds, or may be issued in exchange for the original bonds, as may be provided in the resolution authorizing their issuance.

Sec. 14(a). The expense of operation and maintenance of facilities whose revenues are pledged to the payment of bonds shall always be a first lien on and charge against the income thereof. So long as any of said bonds or interest thereon remain outstanding the Board shall charge or require the payment of fees and tolls for the use of such facilities which shall be equal and uniform within classes defined by the Board and which shall yield revenues at least sufficient to pay the expenses of such operation and maintenance, and to provide for the payments prescribed in the Resolution for "Debt Service" as that term may be defined in the Resolution (which without limitation may include provisions for any or all of the following: the payment of principal and interest as such

principal and interest respectively mature, the establishment and maintenance of funds for extensions and improvements, and operating reserve, and an interest and sinking fund reserve).

(b) The Board is authorized to determine the rates, charges and tolls which must be charged by it for the use, operation or lease of such facilities.

Sec. 15. The following provisions shall be applicable as to Revenue Bonds issued under this Act:

(a) It shall be the duty of the Board to fix such tolls and charges for the use of the facilities whose revenues are thus pledged as will yield revenues fully sufficient to operate and maintain such facilities and to permit full compliance by the Board with the covenants contained in the Resolution for the making of payments into the Debt Service Fund, including payments into any reserve accounts or funds created in the Resolution in connection with the issuance of the Bonds. In the event that any part of the security for the Revenue Bonds consists of money to be received by the Board as consideration for facilities belonging to the Board but operated by another or others under some form of lease or operating contract, it shall be the duty of the Board to fix and authorize rates, charges and tolls to be made by such person or persons for services to be rendered by such facilities, at least sufficient to assure the receipt by the Board of money which the Board is committed to pay from such source for Debt Service under the terms of the Resolution.

(b) The proceeds of the bonds shall be used and shall be disbursed under such restrictions as may be provided in the Resolution, and there shall be and there is hereby created and granted a lien upon such moneys, until so applied, in favor of the holders of the Revenue Bonds or of any trustee provided for in respect to such bonds, but neither the depository of such funds nor the trustee shall be obligated to see to the proper application of such fund except as expressly provided in the Resolution or in the indenture securing the bonds. Any surplus remaining from the bond proceeds after providing for the following: interest during construction and for such additional period as may be prescribed in the Resolution, and the creating of any reserve fund prescribed in the Resolution and the accomplishment of the bond purpose, shall be used for retiring the bonds to the extent that they can be purchased at prevailing market prices, with any remainder after such purchase to be deposited in the fund established in the Resolution for Debt Service.

(c) The Resolution may provide that such Revenue Bonds shall contain a recital that they are issued pursuant to and in strict conformity with this Act and such recital when so made shall be conclusive evidence of the validity of the Revenue Bonds and the regularity of their issuance.

(d) Any Revenue Bond issued pursuant to the provisions of this Act shall be exempt from taxation by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the state.

(e) If so provided in the Resolution an indenture securing the bonds may be executed by and between the county and a corporate trustee, and such Resolution may provide also for execution of the indenture by a corporate or individual co-trustee. Any such corporate trustee or corporate co-trustee shall be any trust company or bank within or without the State of Texas having the powers of a trust company.

(f) Either the Resolution or such indenture may contain such provisions for protecting or enforcing the rights or remedies of the bondholders as may be considered by the Board reasonable and proper and not in violation of law, including covenants setting forth the duties of the Board in reference to maintenance, operation or repair, and insurance

(including within the discretion of the Board insurance against loss of use and occupancy) of the facility whose revenues are pledged, and the custody, safeguarding and application of all moneys received from the sale of the Revenue Bonds, and from revenues to be received from the operation of the project.

(g) It shall be lawful for any bank or trust company in this state to act as depository for the proceeds of the bonds or revenues derived from the operation of facilities whose revenues may be pledged, or for the special funds created to assure payment of principal and interest on the Revenue Bonds, including reserve funds and accounts, or for one or more of such classes of deposits, and to furnish such indemnity bonds or to pledge such securities as may be required by the Board.

(h) The Board may select such depository or depositories without the necessity of seeking competitive bids. Such deposits shall be secured in the manner required by law for the security of money belonging to counties. Provided that, the Board in the Resolution or the indenture securing the Revenue Bonds may bind the Board to the use of direct obligations of the United States Government or obligations unconditionally guaranteed by the United States Government as security for such deposits. Such indenture, or ordinance, may set forth the rights and remedies of the bondholders and of the Trustee and may restrict the individual rights of action of the bondholders. The Resolution may contain all other suitable provisions such as the Board may deem reasonable and proper for the security of the bondholders, including but without limitation covenants prescribing all happenings or occurrences which constitute events of default and the terms and conditions upon which any or all of the bonds shall become, or may be declared to be due before maturity, and as to the rights, liabilities, powers and duties arising from the breach by the Board of any of its duties or obligations.

(i) That any holder or holders of the Revenue Bonds issued hereunder, including a trustee or trustees for such holders, shall have the right in addition to all other rights by mandamus or other proceedings in any court of competent jurisdiction to enforce his or their rights against the Board or its employees, the agents and employees thereof, or any lessee or any of said facilities whose revenues are pledged, including but not limited to the right to require the Board to impose and establish and enforce sufficient and effective tolls and charges to carry out the agreements contained in the Resolution and indenture, or in both the Resolution and indenture, and to perform all agreements and covenants therein contained and duties arising therefrom, and in the event of default as defined in the Resolution authorizing the Revenue bonds or in the indenture securing the Revenue Bonds to apply for and obtain the appointment of a receiver for any of the properties involved. If such receiver be appointed he shall enter and take possession of the facilities whose revenues shall have been pledged and until the Board and the county may be no longer in default, or until relieved by the court, retain possession of the properties involved and collect and receive all revenues and tolls arising therefrom in the same manner as the Board itself might do, and shall dispose of all such moneys and apply same in accordance with the obligations of the Board under the Resolution or indenture, and as the court may direct. Nothing in this Act shall authorize any bondholder to require the Board to use any funds in the payment of the principal or of interest on the bonds except from the revenues pledged for their payment.

(j) The Resolution or the indenture securing the bonds may contain provisions to the effect that so long as the revenues of such park facilities are pledged to the payment of Revenue Bonds no free service shall

be rendered by any of such facilities of the park for which tolls, charges and rentals are to be effective under the Resolution.

(k) All such revenue bonds shall be and are hereby declared to be legally authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, and for the sinking funds and other funds of the State of Texas, and of all municipal corporations, counties, political subdivisions, public agencies, and taxing districts within the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of all municipal corporations, counties, political subdivisions, public agencies and taxing districts within the State of Texas, and such bonds shall be lawful and sufficient security for such deposits to the extent of their face value when accompanied by all matured coupons appurtenant thereto.

(l) The provisions contained in the Resolution and in the indenture and the applicable provisions of this Act shall constitute an irrepealable contract between the Board and the county on the one part and the holders of such bonds on the other part.

Sec. 16. At any time prior to the authorization of Revenue Bonds secured by a pledge of the revenues from any designated facility or facilities of the park or parks, the Board may with the approval of the Commissioners Court of the county and for such period of time as it may determine make a contract or lease agreement with a company, corporation, or individual, for the operation of such facility, or facilities, the consideration for such contract or lease agreement to be specified, or the method of determining such consideration to be prescribed in such contract or lease agreement. The revenues from any such contract or agreement may be pledged in the Resolution or indenture as security or additional security for the Revenue Bonds. Any such facility or facilities may likewise be leased under such contract or lease agreement concurrently with the authorization of the issuance of said Revenue Bonds, and the revenues therefrom pledged as security or additional security for the Revenue Bonds; and in the event that issuance of said Revenue Bonds is authorized concurrently with the contract or lease agreement then the revenues from such contract or agreement shall constitute the sole or substantially all of the security for the Revenue Bonds such contract or agreement must provide that the rentals, tolls and charges to be enforced by such lessee for the use or services provided by such facility or facilities shall be sufficient at least to yield in the aggregate money necessary to pay the reasonable operation and maintenance expenses to assure proper operation and maintenance of such facility or facilities, plus an amount which will assure income to the Board to permit and assure payments into the several funds and accounts in the manner, at the times and in the amounts specified in the Resolution. Any such lease agreement or contract may provide that such rentals, tolls and charges may be sufficient to yield a reasonable profit to the other party to the lease agreement or contract, but to be realized only after payment in full of the obligation to the Board; any such operating or lease contract may provide for payment of the annual consideration or rental in monthly installments approximately equal and that failure to pay any required sum when due may be declared to be a breach of contract or agreement, entitling the Board under regulations prescribed therein to declare the contract or agreement forfeited and to take over the operation and maintenance of such facility or facilities, but such remedy shall be cumulative of all others therein provided or recognized.

Sec. 17. Before July 1st of each year the Board shall prepare and not later than July 1st, file with the County Judge of such county, a com-

plete statement showing the financial status of the Board, its properties, funds and indebtedness. The statement shall be so prepared as to show separately all information concerning the Revenue Bonds, the income from pledged facilities, and expenditures of such revenues, and all information concerning moneys which may have been appropriated to the Board by the Commissioners Court for operational and maintenance expenses. Concurrently with the filing of such statement, the Board shall file with the County Judge of such county a proposed budget of its needs for the next succeeding calendar year. After approval of such budget, the County Judge shall incorporate the same in the county budget to be prepared by him during the month of July of each year. As a part of the county's tentative budget, the items thus certified by the Board shall be subject to the procedure for the county budget prescribed by Chapter 206, Acts of the Regular Session of the 42nd Legislature, Sections 10 to 13, both inclusive, carried forward in Vernon's Annotated Statutes as Articles 689-a-9 to 689-a-12. It shall be the duty of the Board to so operate said park or parks that there will be available from the gross revenues received from the operation of park facilities whose revenues are pledged to the payment of Revenue Bonds money sufficient to pay the operation and maintenance expenses of said facilities without the appropriation of tax money for the expense of maintaining and operating such facilities.

Sec. 18. The Board shall have the power to adopt and promulgate all reasonable regulations and rules, applicable to tenants, concessionaires, residents and users of park facilities, regulating hunting, fishing, boating and camping and all recreational and business privileges in any such park or parks.

Sec. 19. The Board is hereby authorized to accept grants and gratuities in any form from any source approved by the Board and the Commissioners Court including the United States Government or any agency thereof, the State of Texas or any agency thereof, any private or public corporation; and any other person, for the purpose of promoting, establishing and accomplishing the objectives and purposes and powers herein set forth.

Sec. 20. In the event the County Commissioners Court of any such county, as hereinbefore defined, does not pass a Resolution authorizing the establishment of such Board of Park Commissioners, or in the event the establishment of any such Board of Park Commissioners be declared by the courts to be invalid, then, in either event, the County Commissioners Court of any such county is hereby expressly granted the right to exercise, solely if the establishment of no such Board has been attempted or by ratification of the actions of any such Board prior to the declaration of the invalidity of said Board's establishment, any and all of the powers, acts and authority by this Act conferred, authorized and delegated to said Board of Park Commissioners.

Sec. 21. This Act is cumulative of all other laws relating to county parks, but this Act shall take precedence in the event of conflict.

Sec. 22. In any case any one or more of the sections or provisions of this Act, or the application of such sections or provisions to any situation, circumstance, or person, shall not affect any other sections or provisions of this Act or the application of such sections or provisions to any other situation, circumstance, or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any constitutional application.

Sec. 23. The fact that this legislation is designed to provide an efficient method of financing and operating the facilities of public parks in such counties, which methods of financing and operating public parks

are immediately needed for the public benefit, creates an emergency and an impressive public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall become effective from and after its passage, and it is so enacted.

Passed the Senate, November 8, 1957: Yeas 28, Nays 0; passed the House, November 11, 1957: Yeas 128, Nays 1.

Approved Nov. 26, 1957.

Effective Nov. 26, 1957.

APPROPRIATIONS—TRANSFER OF FUNDS

CHAPTER 8

S. B. No. 39

An Act transferring certain funds heretofore appropriated to the Governor's Office by House Bill No. 133, Acts of the 55th Legislature, Regular Session, 1957, to the Judiciary Section, Comptrollers Department, to pay the salary of the District Attorney of the 154th Judicial District for the biennium ending August 31, 1959, and to cover necessary state matching contributions for Federal Social Security; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The sum of Fifteen Thousand and Twenty-five Dollars (\$15,025) of funds heretofore appropriated to the Governor's Office in line item 26 of House Bill No. 133, Acts of the 55th Legislature, Regular Session, 1957, is hereby transferred to the Judiciary Section, Comptrollers Department, to pay the salary of the District Attorney for the 154th Judicial District at the rate of Seven Thousand, Five Hundred Dollars (\$7,500.00) per annum for the biennium ending August 31, 1959, and to pay the cost of necessary state matching contributions for Old Age and Survivors Insurance as provided by the Federal Social Security Act.

Sec. 2. The fact that no provision was made in the appropriation for the Judiciary Section, Comptrollers Department, for the payment of the salary of the District Attorney of the newly-created 154th Judicial District and it is extremely important that funds heretofore appropriated be transferred and made available for such purpose creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate, November 8, 1957: Yeas 28, Nays 0; passed the House, November 11, 1957: Yeas 143, Nays 2.

Approved Nov. 26, 1957.

Effective Nov. 26, 1957.